

U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641

## CATEGORICAL EXCLUSION

*McKee Ranch Water Trough*  
**DOI-BLM-CO-N05-2015-0054-CX**

### Identifying Information

**Project Title:** McKee Ranch Water Trough

**Legal Description:** T3N R95W Sec 10, SENE

**Applicant:** Lyle McKee

**Casefile/Project Number:** 0501473, RIP #018398

### Conformance with the Land Use Plan

The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 46.210(f)) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-25

Decision Language: "Range improvements are necessary to control livestock use and improve rangeland condition. Anticipated improvement needs will include approximately 200 miles of fencing and about 700 water developments, including reservoirs, wells, springs with associated troughs, tanks and pipelines."

### Proposed Action

#### ***Project Components and General Schedule***

This proposal is to place a ten foot water trough on BLM lands in the Gower Gulch allotment #06610. This action also includes removing an existing non-functional windmill, maintaining the existing well, and installing solar panels and their associated mounting mast at the well site. Water will be piped 10-20 feet (surface pipe) to the adjacent water trough. All work for

this project would be completed in the summer of 2015 and would take one day. Authorization of this action is for the 2015 grazing season only.

A small truck mounted water well drilling rig would remove the windmill tower, pull the existing sucker-rod, clean and test the well, install a new pump and drop pipe. Pipe panels or wooden fence panels will be placed/constructed around the well and mast to protect them from livestock rubbing and pushing. Maintaining the well and placing the trough would disturb the soil surface in an approximately 400 square foot area. Livestock use at the trough would create a general area (5-10 acres) of concentrated use. The well/trough site is immediately adjacent to an existing two-track road (see map). There is no public access to this two-track road. Planned grazing for 2015 is for 80 cows from July 1 through September 24, which is consistent with the current authorized use.

Reliable water at this site will improve distribution in this allotment during the 2015 grazing use period. See Exhibit A for the location of the well and proposed trough in relation to the overall grazing allotment. A larger scale permanent water development project including pipelines to troughs further up the draw has been proposed and is being analyzed in CO-N05-2015-0047-EA but it will not be in place in time for the 2015 use period.

### ***Design Features***

1. The windmill, existing non-functional trough and any other related trash will be removed and disposed of properly by Mr. McKee.
2. A wildlife escape ramp will be placed and maintained in the trough for the entire time it is in place.

### ***BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources***

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the

operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

4. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

## Categorical Exclusion Review

The Proposed Action qualifies as a categorical exclusion under 43 CFR 46.210(f): *"Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects)."*

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by the bureau.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical		X

Extraordinary Circumstance	YES	NO
Habitat for these species.		
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations.		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

## Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on May 12, 2015. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	5/12/2015
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	5/28/2015
Matt Dupire	Ecologist	Special Status Plant Species	5/12/2015
Mary Taylor	Rangeland Management Specialist	Project Lead	5/12/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	6/15/2015

**Cultural Resources:** A records search of the general project area, and a Class III inventory of the Area of Potential Effect (APE), as defined in the National Historic Preservation Act (NHPA), was completed by the WRFO archaeologist. The windmill, to be removed for the proposed undertaking, was documented and recorded as an historic era archaeological site (5MF 7884). The windmill was determined to be *not eligible* for inclusion on the National Register of Historic Places (NRHP). The survey yielded no National Register or otherwise eligible historic properties in the APE that would be affected by the Proposed Action. The project inventory and evaluation is in compliance with the NHPA, the Colorado State Protocol Agreement, and other federal law, regulation, policy, and guidelines regarding cultural resources.

**Native American Religious Concerns:** The Ute have a generalized concept of spiritual significance that is not easily transferred to Euro American models or definitions. As such, the BLM recognizes that the Ute have identified sites that are of concern because of their association with Ute occupation of the area as part of their traditional lands. No traditional cultural properties, unique natural resources, or properties of a type previously identified as being of

interest to local tribes, were identified during the cultural resources inventory of the project area. No additional Native American Indian consultation was conducted for the proposed project.

**Threatened and Endangered Wildlife Species:** There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. There are no wildlife-related issues or concerns associated with the Proposed Action.

**Threatened and Endangered Plant Species:** There are no special status plant species issues or concerns associated with the Proposed Action.

### **Mitigation**

None.

### **Tribes, Individuals, Organizations, or Agencies Consulted**

An informational letter was sent to the State Historic Preservation Officer (SHPO) on March 5, 2015.

### **Compliance with NEPA**

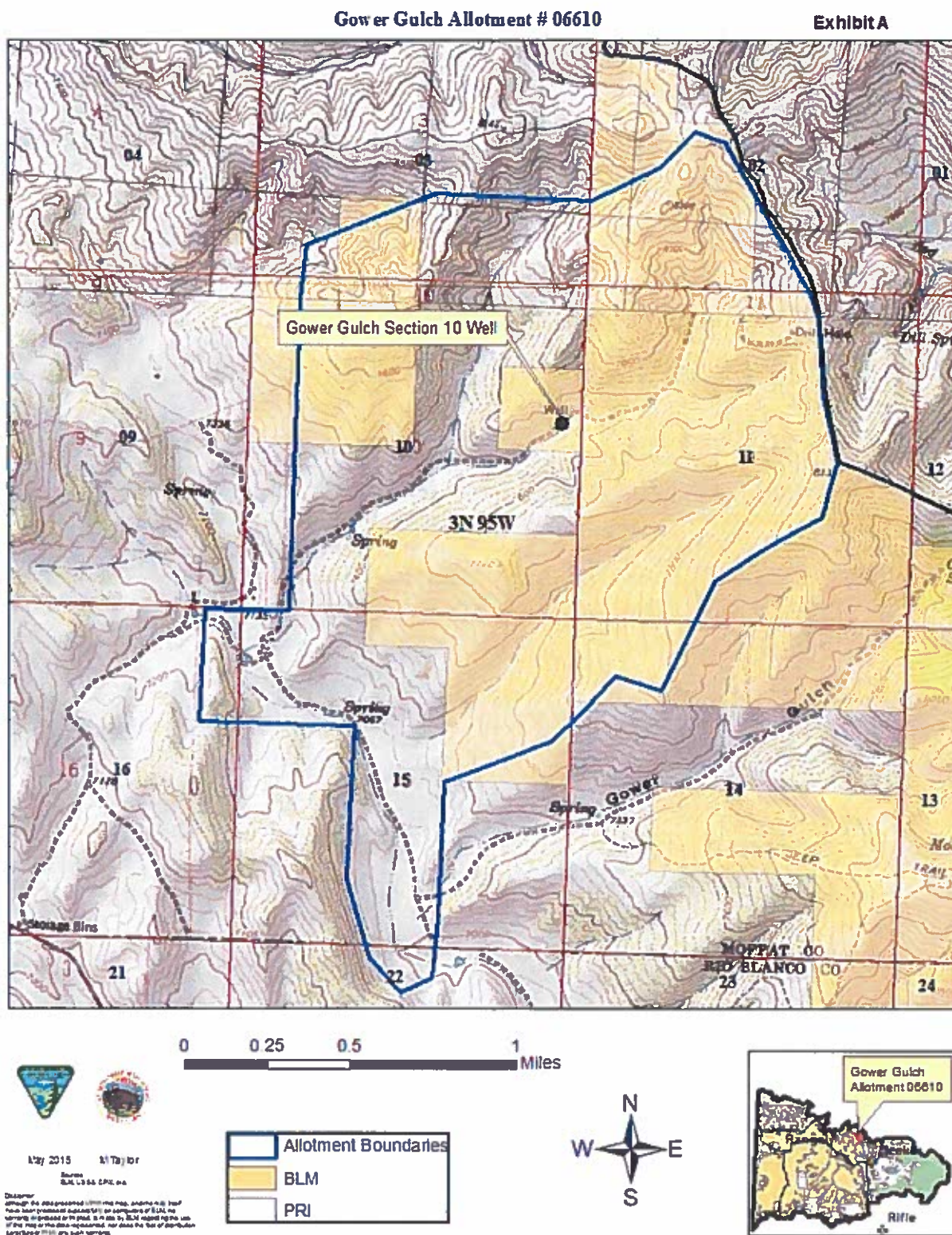
The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR 46.210(f). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

  
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Field Manager

  
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Date

## Appendix A. Figures



**U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641**

## **DECISION RECORD**

### ***McKee Ranch Water Trough*** **DOI-BLM-CO-N05-2015-0054-CX**

#### **Decision**

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0054-CX, authorizing placement of a water trough in the Gower Gulch allotment #06610. This action includes the removal of an existing non-functional windmill, maintaining the existing well, and installing solar panels and their associated mounting mast at the well site.

Authorization of this action is for the 2015 grazing season only as the larger water project is being analyzed in CO-N05-2015-0047-EA as part of the grazing permit renewal.

#### ***Applicant Committed Design Features***

1. The windmill and existing non-functional trough will be removed and disposed of properly by Mr. McKee.
2. A wildlife escape ramp will be placed and maintained in the trough for the entire time it is in place.

#### ***BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources***

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will

be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

## **Compliance with Laws & Conformance with the Land Use Plan**

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

## **Public Involvement**

This project was posted on the WRFO's on-line National Environmental Policy Act (NEPA) register on May 18, 2015. No comments or inquiries have been received as of June 12, 2015.

## **Rationale**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR 46.210(f). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

## **Monitoring and Compliance**

On-going monitoring will be conducted by the BLM, White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The applicant will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

## **Administrative Remedies**

Any applicant, permittee, lessee or other interested publics may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Kent Walter, Field Manager White River Field Office, 220 E. Market Street, Meeker, CO 81641 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal (*in writing*) in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on the Office of the Solicitor, Rocky Mountain Region, Denver Field Office, U.S. Department of the Interior, 755 Parfet Street, Room 151, Lakewood, CO 80215.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471.

Any person named in the decision who receives a copy of a petition for a stay and/or an appeal, see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

### Signature of Authorized Official

  
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Field Manager

  
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Date

